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SERVICE DATE - FEBRUARY 25, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-391 (Sub-No. 9X)

RED RIVER VALLEY & WESTERN RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN LAMOURE AND BARNES COUNTIES, ND

Decided: February 21, 2002

On January 7, 2002, Red River Valley Western Railroad Company (RRVW) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 32.9 miles of rail line from approximately milepost 27.4 in or near Lucca, ND, to the end of the line at approximately milepost 60.3 in or near Marion, ND, in LaMoure and Barnes Counties, ND. Notice of the exemption was served and published in the Federal Register on January 25, 2002 (67 FR 3779). The exemption is scheduled to become effective on February 26, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) on February 1, 2002. In the EA, SEA stated that: (1) the U.S. Army Corps of Engineers, North Dakota Regulatory Office Corps (Corps), indicated that the proposed abandonment may not require Corps approval, because RRVW did not propose to disturb grade bed, culverts, and bridges, but it noted that a permit may be required if changes were made in the project; (2) the North Dakota Department of Health, Environmental Health Section (EHS), is concerned about minimizing the adverse impacts from salvage activities on water sources and having RRVW obtain a stormwater permit prior to salvage, if required; and (3) the North Dakota Office of the State Engineer (OSE) is concerned about flooding impacts on adjacent landowners if culvert crossings are removed following abandonment.

SEA therefore recommends that the following conditions be imposed on any decision granting abandonment authority: that RRVW consult with (1) the Corps prior to salvage to determine whether any Corps permits are required; (2) EHS prior to salvage to devise appropriate measures to minimize impacts to state water sources and to determine whether a storm water permit is required; and (3) Mr. Dwight Comfort of OSE prior to salvage to determine the need to remove culvert crossings.¹

¹ In the EA, SEA had also recommended imposing a condition requiring that RRVW consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers in order to plan for their relocation. By letter dated February 14, 2002, RRVW advised SEA that it had given 90 days' notice to NGS on February 6, 2002. Accordingly, an NGS condition is no longer necessary and will not be imposed.

The conditions recommended by SEA will be imposed. As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that RRVW shall: (1) consult with Corps prior to salvage to determine whether any Corps permits are required; (2) consult with EHS prior to salvage to devise appropriate measures to minimize impacts to state water sources and to determine whether a stormwater permit is required; and (3) consult with Mr. Dwight Comfort of OSE prior to performing any salvage activities to determine the need to remove culvert crossings.
- 3 This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary